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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AZIN MORTAZAVI,)	
)	No. C 07-3768 SI
Plaintiff,)	
)	
v.)	
)	JOINT CASE MANAGEMENT
ROSEMARY MELVILLE, District Director)	STATEMENT
USCIS San Francisco District Office;)	
EMILIO T. GONZALEZ, Director, USCIS;)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
PETER D. KEISLER, Attorney General,)	
Department of Justice)	
)	
Defendants.)	
)	

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiff brought this Complaint under 28 U.S.C. §§ 1331 and 1361, and under the Administrative Procedure Act. All parties have been served.

2. Facts: On January 9, 2006, Plaintiff filed a Form I-485 application for adjustment of status to Legal Permanent Resident with USCIS, based on her marriage to a United States citizen. On July 23, 2007, Plaintiff filed this Complaint for a Writ in the Nature of Mandamus, alleging that Defendants are unlawfully withholding or unreasonably delaying action on Plaintiff's I-485 applications, and asking the Court to compel USCIS to adjudicate her application for adjustment of status. Plaintiff's name check is still pending with the Federal Bureau of Investigation.

3. Legal Issues: The principal legal issue the parties dispute is whether the Court has jurisdiction to compel agency action in this case and if so, whether a writ a mandamus should issue to remedy Defendants' alleged unreasonable delay in adjudicating their applications.

4. Motions: Defendants have filed a motion for summary judgment. The parties believe this matter may be resolved through cross motions for summary judgment.

5. Amendment of Pleadings: None.

6. Evidence Preservation: None.

7. Disclosures: The parties agree that this Court's review will be confined to the administrative record and therefore this proceeding is exempt from the initial disclosure requirements under Fed. R. Civ. P. 26.

8. Discovery: There has been no discovery to date and the parties believe this matter can be resolved without discovery. No experts will be designated.

9. Class Actions: Not applicable.

10. Related Cases: None.

11. Relief: Plaintiff asks the Court to direct the agency to adjudicate her adjustment of status application and asks for an award of attorneys' fees. This case does not involve damages.

12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR on October 5, 2007.

13. Consent to Magistrate Judge for All Purposes: Defendants do not consent to assignment of this case to a United States Magistrate Judge.

14. Other References: None.

15. Narrowing of Issues: None.

16. Expedited Schedule: The parties believe this matter can be solved through motions.

17. Scheduling: The parties suggest the following briefing dates:

Plaintiff's Opposition and Cross Motion for Summary Judgment: November 30, 2007

Defendants' Reply and Opposition: December 7, 2007

Plaintiff's Reply: December 14, 2007

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1 The parties believe the matter is suitable for decision without oral argument, and hereby stipulate to
2 submit the matter on the briefs.

3 18. Trial: The parties believe the matter can be resolved through the cross motions for summary
4 judgment.

5 19. Disclosure of Non-party Interested Entities or Persons: None.

6 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
7 matter: None.

8 Dated: October 19, 2007

Respectfully submitted,

9 SCOTT N. SCHOOLS
10 United States Attorney

11 /s/
12 MELANIE L. PROCTOR¹
13 Assistant United States Attorney
Attorneys for Defendants

14 Dated: October 19, 2007

15 /s/
16 KIP EVAN STEINBERG
Attorney for Plaintiff

17 **CASE MANAGEMENT ORDER**

18 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as
19 the Case Management Order for the case, and the parties are ordered to comply with this Order.

20 Dated:

21 SUSAN ILLSTON
22 United States District Judge
23
24
25
26
27

28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a “conformed” signature (/S/) within this efiled document.